

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

SONIA L. SABATH,

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Plaintiff,

v.

[Signature]
NOTED 99-621-MV/KBM

LOVELACE HEALTH SYSTEMS, INC.,

Defendant.

**LOVELACE HEALTH SYSTEMS, INC.'S MOTION TO DISMISS ON GROUNDS OF
CLAIM PRECLUSION (RES JUDICATA) OR ALTERNATIVELY FOR FAILURE TO
COMPLY WITH THE FEDERAL ARBITRATION ACT**

Defendant Lovelace Health Systems, Inc. ("Lovelace") hereby moves the Court, pursuant to Federal Rule of Civil Procedure 12(b)(6) and under the grounds of res judicata for dismissal of Plaintiff's Second Amended Complaint and Jury Demand with prejudice.

In support of its motion, Lovelace respectfully refers the Court to the Brief in Support of the Motion, filed contemporaneously herewith.

Opposing counsel opposes the relief sought by this motion.

WIGGINS, CAMPBELL & WELLS
A Professional Corporation

By

[Signature]

Lorna M. Wiggins

Marianne B. Hill

Attorneys for Defendant

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We hereby certify that a copy of the foregoing was hand-delivered to opposing counsel of record on this 26th day of June, 2000.

WIGGINS, CAMPBELL & WELLS
A Professional Corporation

By M. Wiggins & M. Hill
Lorna M. Wiggins
Marianne B. Hill

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